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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

ANDRE MCCOLLOUGH, an individual;

Defendant.

Case No.: 2:10-cv-0799

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Andre McCollough (“Mr. McCollough”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

1 25. The United States District Court for the District of Nevada is an appropriate
2 venue, pursuant to 28 U.S.C. §1391(b)(3) and §1400(a), because Mr. McCollough may be found
3 in Nevada.

4
5 **FACTS**

6 26. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C.
7 §102(a)(1).

8 27. Righthaven is the owner of the copyright in the Work.

9 28. The Work was originally published on February 24, 2010.

10 29. On May 13, 2010, the United States Copyright Office (the “USCO”) granted
11 Righthaven the registration to the Work, copyright registration number TX0007139264 (the
12 “Registration”) and attached hereto as Exhibit 6 is evidence of the Registration in the form of a
13 printout of the official USCO database record depicting the occurrence of the Registration.

14 30. No later than February 24, 2010, Mr. McCollough displayed the Infringement on
15 the Website.

16 31. Mr. McCollough did not seek permission, in any manner, to reproduce, display, or
17 otherwise exploit the Work.

18 32. Mr. McCollough was not granted permission, in any manner, to reproduce,
19 display, or otherwise exploit the Work.

20
21 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

22 33. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
23 32 above.

24 34. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
25 U.S.C. §106(1).

26 35. Righthaven holds the exclusive right to prepare derivative works based upon the
27 Work, pursuant to 17 U.S.C. §106(2).
28

1 36. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. §106(3).

3 37. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
4 U.S.C. §106(5).

5 38. Mr. McCollough reproduced the Work in derogation of Righthaven's exclusive
6 rights under 17 U.S.C. §106(1).

7 39. Mr. McCollough created an unauthorized derivative of the Work in derogation of
8 Righthaven's exclusive rights under 17 U.S.C. §106(2).

9 40. Mr. McCollough distributed, and continues to distribute, an unauthorized
10 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
11 17 U.S.C. §106(3).

12 41. Mr. McCollough publicly displayed, and continues to display, an unauthorized
13 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
14 17 U.S.C. §106(5).

15 42. Mr. McCollough has willfully engaged in the copyright infringement of the Work.

16 43. Mr. McCollough's acts as alleged herein, and the ongoing direct results of those
17 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
18 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

19 44. Unless Mr. McCollough is preliminarily and permanently enjoined from further
20 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
21 entitled to preliminary and permanent injunctive relief against further infringement by Mr.
22 McCollough of the Work, pursuant to 17 U.S.C. §502.

23
24 **PRAYER FOR RELIEF**

25 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

26 1. Preliminarily and permanently enjoin and restrain Mr. McCollough, and Mr.
27 McCollough's agents, servants, employees, attorneys, parents, subsidiaries, related companies,
28 partners, and all persons acting for, by, with, through, or under Mr. McCollough, from directly or

1 indirectly infringing the Work by reproducing the Work, preparing derivative works based on the
2 Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing,
3 participating in, or assisting in any such activity;

4 2. Direct Mr. McCollough to preserve, retain, and deliver to Righthaven in hard
5 copies or electronic copies:

6 a. All evidence and documentation relating in any way to Mr. McCollough's
7 use of the Work, in any form, including, without limitation, all such evidence and
8 documentation relating to the Website;

9 b. All evidence and documentation relating to the names and addresses
10 (whether electronic mail addresses or otherwise) of any person with whom Mr.
11 McCollough has communicated regarding Mr. McCollough's use of the Work; and

12 c. All financial evidence and documentation relating to Mr. McCollough's
13 use of the Work;

14 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock
15 the Domain and transfer control of the Domain to Righthaven;

16 4. Award Righthaven statutory damages for the willful infringement of the Work,
17 pursuant to 17 U.S.C. §504(c);

18 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
19 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

20 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
21 law; and

22 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this twenty-seventh day of May, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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